



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/730,601	12/08/2003	Merzad Hemmat	IDF 2194 (4000-11100)	8879
28003	7590	03/30/2007		
SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100			EXAMINER DAO, THUY CHAN	
			ART UNIT 2192	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			03/30/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/730,601	HEMMAT ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Thuy Dao	2192	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. This action is responsive to the application filed on December 8, 2003.
2. Claims 1-26 have been examined.

### **Drawings**

3. The drawings are objected to because of minor informalities: Figure 2, block 212, "IT" should be - -Information Technology (IT) department- -; and blocks 214, 216, 224-228, "IT" should be - -IT department- - as disclosed throughout the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Appropriate correction is required.

### **Specification**

4. Applicant is reminded of the proper language and format for an abstract of the disclosure. The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. The form and legal phraseology often used in patent claims, such as "means" and "said," should be

avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. (i.e., "*The present disclosure addresses a method...*", line 2).

Appropriate correction is required.

5. The specification is objected to because of minor informalities: "IT" should be spelled out at the first appearance in the specification (i.e., page 2, [0006]).

Appropriate correction is required.

#### **Claim Objections**

6. Claim 16 is objected to because of minor informalities: in line 2, "IT" should be spelled out at the first appearance in claims.

Appropriate correction is required.

#### **Claim Rejections – 35 USC §112, 2nd paragraph**

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 2-15 and 20-26 are rejected under 35 U.S.C. 112, second paragraph, as failing to set forth the subject matter which applicant(s) regard as their invention.

#### **Claims 2, 8, and 20:**

Claim 2 is a representative claim of the group. Claim 2 directs to "a method for scheduling resources to be used in a software development project comprising: ... upon approval of the contract by the customer, the planning department scheduling the reserved resources as agreed upon in the contract" (emphasis added). It is unclear of what is(are) required process(es) for "scheduling resources" upon unapproval step.

**Claims 3-7, 9-15, and 21-26:**

Claims 3-7, 9-15, and 21-26 are rejected based on virtue of their dependencies on the rejected claims 2, 8, and 20, respectively.

**Claim Rejections – 35 USC § 101**

9. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 1-7 and 16-26 are directed to non-statutory subject matter (i.e., an abstract idea, natural phenomenon, or law of nature) and are not directed to a practical application of such judicial exception (e.g., because the claim does not require any physical transformation and the invention as claimed does not produce a useful, concrete, and tangible result).

**Claims 1-7:**

Claim 1 is directed to “*a method for scheduling resources to be used in a software development project comprising: a customer providing information ...; a planning department initially reviewing ...; and the planning department reserving resources ...*” (emphasis added), which merely an abstract idea. Furthermore, the claimed limitations stop short at “*reserving resources*”, which does not produce a useful, concrete, and tangible result – MPEP 2106(IV)(C)(2)(2).

Claims 2-7 do not provide any further limitations which produce a useful, concrete, and tangible result (i.e., a method for scheduling resources) and are also rejected with the same reasons above.

Under the principles of compact prosecution, claims 1-7 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC §101 rejection. For example (proposal only), - -A computer-implemented method ... - - and associated method steps for scheduling the reserved resources to be used in a software development project.

**Claims 16-19:**

Claim 16 is directed to “a method for scheduling resources to be used in a software development project comprising: a customer submitting information ...; the IT department analyzing ...; and booking the resources ...” (emphasis added), which merely an abstract idea. Furthermore, the claimed limitations stop short at “booking resources”, which does not produce a useful, concrete, and tangible result – MPEP 2106(IV)(C)(2)(2).

Claims 17-19 do not provide any further limitations which produce a useful, concrete, and tangible result (i.e., a method for scheduling resources) and are also rejected with the same reasons above.

Under the principles of compact prosecution, claims 16-19 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC §101 rejection. For example (proposal only), - -A computer-implemented method ... - - and associated method steps for scheduling the booked resources to be used in a software development project.

**Claims 20-26:**

Claim 20 is directed to “a method for scheduling software releases for a computer system comprising: planning a series of releases ...; reviewing information ...; and booking the scheduled reservations ...” (emphasis added), which merely an abstract idea. Furthermore, the claimed limitations stop short at “booking the scheduled reservations”, which does not produce a useful, concrete, and tangible result - MPEP 2106(IV)(C)(2)(2).

Claims 21-26 do not provide any further limitations which produce a useful, concrete, and tangible result (i.e., a method for scheduling software releases) and are also rejected with the same reasons above.

Under the principles of compact prosecution, claims 20-26 have been examined as the Examiner anticipates the claims will be amended to obviate these 35 USC §101

Art Unit: 2192

rejection. For example (proposal only), - -A computer-implemented method ... - - and associated method steps for scheduling the software releases for a computer system.

### **Claim Rejections – 35 USC § 102**

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

12. Claims 1-26 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Publication No. 2004/0143811 A1 to Kaelicke et al. (hereinafter "Kaelicke").

#### **Claim 1:**

Kaelicke discloses *a method for scheduling resources to be used in a software development project comprising:*

*a customer providing information regarding a software development project to be completed ([0066-0069]; [0136], [0139]);*

*a planning department initially reviewing the provided information and providing initial feedback prior to completing a detailed requirements analysis (e.g., [0016], [0055], [0070-0072]); and*

*the planning department reserving resources for the project based on the information prior to completing the detailed requirements analysis (e.g., [0024], [0027], [0080], [0104-0105], [0147]).*

#### **Claim 2:**

The rejection of claim 1 is incorporated. Kaelicke also discloses *after reserving resources: upon completion of the detailed requirements analysis, the planning department offering the customer a contract describing the resources to be used for the project; and upon approval of the contract by the customer, the planning department scheduling the reserved resources as agreed upon in the contract* (e.g., [0018], [0069], [0133]).

**Claim 3:**

The rejection of claim 2 is incorporated. Kaelicke also discloses *completing the detailed requirements analysis: the planning department confirming the requirements analysis after reserving resources and prior to reserved resources during the detailed* (e.g., [0095], [0196], [0208]).

**Claim 4:**

The rejection of claim 2 is incorporated. Kaelicke also discloses *the detailed requirements analysis comprises: a functional requirements modeling step* (e.g., [0018], [0027], [0196], [0211]).

**Claim 5:**

The rejection of claim 2 is incorporated. Kaelicke also discloses *the detailed requirements analysis comprises: a system requirements modeling step* (e.g., [0028], [0104], [0187]).

**Claim 6:**

The rejection of claim 2 is incorporated. Kaelicke also discloses *the detailed requirements analysis comprises: an application integration modeling step* (e.g., [0016], [0089], [0100]), [0138]).

**Claim 7:**



The rejection of claim 2 is incorporated. Kaelicke also discloses *the detailed requirements analysis comprises: a contract development step* (e.g., [0018], [0069], [0095], [0133]).

**Claim 8:**

Kaelicke discloses *a method for scheduling resources needed for a project comprising:*

*a planning department managing a customer's expectations about the project based on preliminary information the customer provides to the planning department* (e.g., [0060-0069], [0136], [0139]);

*the customer approving the project for further analysis* (e.g., [0018], [0069], [0133]);

*the planning department reserving resources for the project based on the preliminary information and past experience* (e.g., [0024], [0027], [0080]);

*the planning department confirming the reserved resources throughout the further analysis* (e.g., [0104-0105]), [0147]);

*upon completion of the further analysis, the planning department offering the customer a contract describing the resources to be used for the project* (e.g., [0018], [0069], [0133]); and

*upon approval of the contract by the customer, the planning department scheduling the resources agreed upon in the contract* (e.g., [0024], [0027], [0080], [0104-0105], [0147]).

**Claim 9:**

The rejection of claim 8 is incorporated. Kaelicke also discloses *the managing of the customer's expectations comprises the planning department giving the customer an estimate of the likely duration of the project based on past experience and on the preliminary information provided by the customer* (e.g., [0027], [0059], [0078], [0143]).

**Claim 10:**

The rejection of claim 9 is incorporated. Kaelicke also discloses *the customer's approval of the project for further analysis is based on the estimate of the likely duration of the project* (e.g., [0167], [0210], [0216], [0225]).

**Claim 11:**

The rejection of claim 8 is incorporated. Kaelicke also discloses *the confirming of the reserved resources comprises determining whether the results of the further analysis indicate whether modifications are needed in the reserved resources* (e.g., [0027], [0083], [0091], [0096]).

**Claim 12:**

The rejection of claim 8 is incorporated. Kaelicke also discloses *the further analysis comprises a functional requirements modeling step, a system requirements modeling step, an application integration modeling step, and a contract development step* (e.g., as set forth in claims 4-7).

**Claim 13:**

The rejection of claim 12 is incorporated. Kaelicke also discloses *the confirming of reserved resources occurs at the end of each step in the further analysis* (e.g., [0096], [0259]).

**Claim 14:**

The rejection of claim 11 is incorporated. Kaelicke also discloses *if it is determined that modifications are needed in the reserved resources, alerts are sent to projects dependent on a project for which modifications are needed in the reserved resources, the alerts informing the dependent projects that further analysis may be needed* (e.g., [0147], [0165]).

**Claim 15:**

The rejection of claim 8 is incorporated. Kaelicke also discloses *the reserving of resources is aided by a tool that uses past experience and the preliminary information as input and produces an estimate of the resources required as output* (e.g., [0165], [0269]).

**Claim 16:**

Kaelicke discloses *a method for scheduling resources to be used in a software development project comprising:*

*a customer submitting information about the software development project to an IT department* (e.g., [0066-0069], [0136], [0139]);

*the IT department analyzing the feasibility of the project and estimating its cost* (e.g., [0027], [0059], [0078], [0143]);

*the customer deciding whether to proceed with the project based on the analysis of feasibility and estimate of cost; upon deciding to proceed, the customer prioritizing and funding the project* (e.g., [0167], [0210], [0216], [0225]);

*the IT department reserving resources for the project; the IT department modeling at least one requirement for the project* (e.g., [0024], [0027], [0080]);

*upon completion of the requirement modeling, the IT department giving the customer an estimate of the resources needed for the project* (e.g., [0018], [0069], [0133]); *and*

*booking the resources upon approval of the estimate by the customer* (e.g., [0104-0105], [0147]).

**Claim 17:**

The rejection of claim 16 is incorporated. Kaelicke also discloses *during the requirement modeling, the IT department determining whether the results of the modeling of a requirement indicate that modifications to the requirement are needed* (e.g., [0027], [0083], [0091], [0096]).

**Claim 18:**

The rejection of claim 17 is incorporated. Kaelicke also discloses *when modifications are needed, alerts are sent to projects dependent on a project for which modifications are needed in the reserved resources, the alerts informing the dependent projects that further analysis may be needed* (e.g., [0147], [0165]).

**Claim 19:**

The rejection of claim 1 is incorporated. Kaelicke also discloses *the reserving of resources is aided by a tool that uses past experience and the information submitted by the customer as input and produces an estimate of the resources required as output* (e.g., [0165], [0269]).

**Claim 20:**

Kaelicke discloses *a method for scheduling software releases for a computer system comprising:*

*planning a series of releases for a given time period, each release having an initial allocation of capacity* (e.g., [0016], [0055], [0070-0072]);

*reviewing information regarding proposed software projects and providing initial estimates of cost and duration for such projects to customers for approval to move into detailed analysis* (e.g., [0066-0069], [0136], [0139]);

*on receiving approval for detailed analysis for each project, reviewing the planned series of releases and the initial estimate of cost and duration for the approved project and reserving capacity in a release having available capacity for the project approved for further analysis* (e.g., [0027], [0059], [0078], [0143]);

*as detailed analyses and customer feedback change the scope of the projects approved for further analysis, adjusting the reserved capacity and, where available capacity is not present, moving the reserved capacity to a later release* (e.g., [0094], [0147], [0155], [0158]); and

*as detailed analyses are completed and projects finally approved, booking the scheduled reservations in the releases* (e.g., [0024], [0080], [0104-0105], [0147], [0169], [0180-0183]).

Art Unit: 2192

**Claim 21:**

The rejection of claim 20 is incorporated. Kaelicke also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing the preliminary test approach as determined in the initial review, the type of lab required, and the available resources in the required lab (e.g., [0018], [0069], [0095], [0196]).*

**Claim 22:**

The rejection of claim 20 is incorporated. Kaelicke also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing dependencies with other projects (e.g., [0069], [0133], [0018]).*

**Claim 23:**

The rejection of claim 20 is incorporated. Kaelicke also discloses *reviewing the planned series of releases and the initial estimate of cost and duration for the approved project further comprises: reviewing the available workforce in the required areas (e.g., [0167], [0210], [0216], [0225]).*

**Claim 24:**

The rejection of claim 20 is incorporated. Kaelicke also discloses *prior to planning a series of releases for a given time period: receiving from customers estimates of total time required for proposed projects in the given time period; and, adding the received estimates to get a total amount of time for the given time period and dividing the time into releases throughout the time period (e.g., [0027], [0059], [0078], [0143]).*

**Claim 25:**

The rejection of claim 24 is incorporated. Kaelicke also discloses *the number and capacity of the planned releases is determined by the total amount of time received* (e.g., [0094], [0147], [0155], [0158]).

**Claim 26:**

The rejection of claim 24 is incorporated. Kaelicke also discloses *an extra percentage of time can be added to the capacity allocated to each release* (e.g., [0027], [0059], [0078], [0143]).

**Conclusion**

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US Patent No. 7,139,999 discloses a development architecture framework that supports a project development.

US Patent No. 7,051,036 discloses a computer-implemented system and method for project development including project proposal development, business proposition development, and implementation for market introduction.

US Patent Publication No. 2005/0114829 A1 discloses a process of designing and developing a software project.

US Patent publication No. 2003/0018952 A1 discloses a system and method to estimate resource usage for a software development project.

14. Any inquiry concerning this communication should be directed to examiner Thuy Dao (Twee), whose telephone is (571) 272 8570. The examiner can normally be reached on Monday, Tuesday, Thursday, and Friday from 6:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam, can be reached at (571) 272 3695.


The fax phone number for the organization where this application or proceeding is assigned is (571) 273 8300.

Art Unit: 2192

Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is (571) 272 2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T. Dao



TUAN DAM  
SUPERVISORY PATENT EXAMINER